

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

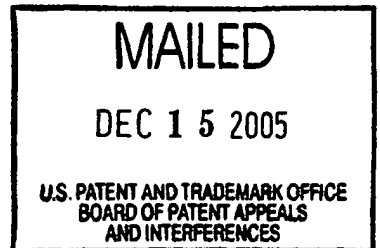
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CAMERON SHEA MINER

Appeal No. 2006-0175
Application No. 09/515,699

ON BRIEF



Before HAIRSTON, BARRETT, and NAPPI, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3, 5 through 14, 16 through 20, 39, 40 and 42 through 46.

The disclosed invention relates to a system and method for automatically associating contextual input data with available multimedia resources.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A system for automatically associating contextual input data with available multimedia resources, comprising:
a contextual input device for capturing the contextual input data;

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an assistant device for processing the contextual input data captured by the contextual input device, and for formulating a query based on processed contextual input data and a user profile;

a contextual multimedia association module for associating the processed contextual input data with the multimedia resources and for generating association matches.

The references relied on by the examiner are:

Bull et al. (Bull)	5,901,287	May 4, 1999
Smith et al. (Smith)	5,970,499	Oct. 19, 1999

Claims 1, 3, 5 through 7, 11 through 13, 16, 17, 39, 40, 42, 43, 45 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Smith.

Claims 8 through 10, 14, 18 through 20 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Bull.

Reference is made to the supplemental brief and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 1, 3, 5 through 7, 11 through 13, 16, 17, 39, 40, 42, 43, 45 and 46, and sustain the obviousness rejection of claims 8 through 10, 14, 18 through 20 and 44.

Turning first to the anticipation rejection of claim 1, appellant argues (brief, pages 9 through 11) that Smith does not anticipate claim 1 because the client 245 does not capture the contextual input data, the server 243 does not formulate a query based on processed contextual input data and a user profile, and audio and video component 220 does not associate the contextual input data with multimedia resources. In view of the examiner's findings of fact (answer, pages 4 and 5) concerning the overall teachings of Smith, we find that the examiner has placed appellant on notice that the Smith system captures contextual input data for a patient undergoing medical treatment¹ (column 5, lines 13 through 17). According to Smith, the contextual input data is captured by a probe placed in the patient's body by the operating surgeon (column 5, lines 13 through 17; column 7, lines 19 through 41). The client computer 245 (Figure 2) or the mapping engine 410 (Figure 4) receives the contextual input data as an input, and formulates a request/query of the server computer 243 (Figure 2) or the co-registered databases 400 (Figure 4) based upon the contextual input data and a user

¹ In appellant's disclosure, the contextual input medical data is captured during a dermatologist's treatment of a skin lesion (specification, page 8).

profile (i.e., stored patient data 200) (column 5, lines 21 through 31; column 7, lines 41 through 44). Thereafter, the server computer, template layer 202, deformation engine 204, mapping engine 206, search and filter engine 210 and co-registered data 214 operate to associate the contextual input data with multimedia resources (e.g., the audio and video clips 220) to generate association matches that will aid the surgeon in the operation on the patient (column 5, line 29 through column 6, line 16; column 7, lines 41 through 48). Thus, the anticipation rejection of claim 1 is sustained.

The anticipation rejection of claims 3, 5 through 7, 11 through 13, 16, 17, 39, 40, 42, 43, 45 and 46 is sustained because appellant has not presented any patentability arguments for these claims.

Turning lastly to the obviousness rejection of claim 8, we find that the user profile (i.e., the patient's medical record) in Smith is updated during and after the medical procedure, and after the association matches noted supra, in order to keep an accurate historical medical record of the medical procedure performed on the patient (column 7, lines 22 through 25; column 7, line 46; column 8, line 67 through column 9, line 1; column 9,

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line 8; column 10, lines 57 through 63). The user profile update teachings of Bull are merely cumulative to the teachings of Smith. Accordingly, the obviousness rejection of claim 8 is sustained.

The obviousness rejection of claims 9, 10, 14, 18 through 20 and 44 are likewise sustained because appellant has not presented any patentability arguments for these claims apart from those presented for claim 8.

DECISION

The decision of the examiner rejecting claims 1, 3, 5 through 7, 11 through 13, 16, 17, 39, 40, 42, 43, 45 and 46 under 35 U.S.C. § 102(e) is affirmed, and the decision of the examiner rejecting claims 8 through 10, 14, 18 through 20 and 44 under 35 U.S.C. § 103(a) is affirmed.

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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136 (a)(1)(iv).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge


LEE E. BARRETT
Administrative Patent Judge


ROBERT E. NAPPI
Administrative Patent Judge

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